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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,508	06/24/2003	John E. Smee	020515	2193

7590 01/30/2007
QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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01/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/602,508

Applicant(s)

SMEE ET AL.

Examiner

Jean B. Corrielus

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 2, 4-7 and 9-26.


Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


Jean B. Corrielus
Primary Examiner
Art Unit: 2611

1-25-07

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the specification, as filed, paragraphs 34-38, provides support for the limitation "estimates for a subset of the plurality of chips", recited in claim 4. However a review of such section of the specification does not show such a support. More specifically, paragraph 34 as reproduced herewith, "[34] Knowledge of this structure allows the use of decision directed adaptation during the data portion of the frame in order to continuously calibrate the slicing of chips by the chip slicer 60. Thus, the symbol estimates created by the chip slicer 60 can be improved in fifty percent (50%) of the estimates", only teaches that the symbol estimates created by the chip slicer can be improved by fifty percent. It is further alleged that the specification, paragraphs 27-38 provides support for the limitations "one or more", as recited in the claims, however a review of such paragraphs of the specification does not show such a support. In addition, the specification does not have support for the limitations as recited in claim 24. Therefore the rejection is maintained. It is the applicant's position that the specification, at paragraphs 27-35 and 38, provides support for the following limitations of "an identification of the chip based in part on a correlation to one or more chips in the code". However, a review of such section of the specification does not show the identification is based in part on a correlation to one or more chips. It is alleged that the specification, paragraph 25, as filed, provides support for the limitation "(a feedback filter configured to determine) noise component based in part on the one or more chip identification output from the slicer". However, it is noted that such section of the specification only teaches that "(the feedback filter configured to determine) the noise component based on sliced chips. In addition, the specification does not teach the limitations "identify a chip value based in part on a correlation among at least a portion of chips" and "chip value from the slicer". Applicant further asserted that the portion of the disclosure relied upon by the examiner refers to a particular type of codeword, CCK codewords and that not all codewords have correlation among the chips. However, it is noted that page 3, line 2 does not refer to any particular codeword or CCK. Such teaching of the specification only refers to "codewords" in general. In response to applicant's request for support that "codewords have inherently correlation among the chips" see applicant's own admission at page 3, line 2.